IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)
THURSDAY, THE FIFTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 6043 of 1994

Between:

1. Nalajala Subbamma W/o.late Ramaiah, R/o.Thotapalli, Bhadrachalam Mandalam, Khammam District.

2. Nalajala Rukmani W/o.late Sathyanarayana, R/o.Thotapalli, Bhadrachalam Mandalam, Khammam District.

3. Nalajala harinath S/o.late ramaiah, R/o.Thotapalli, Bhadrachalam Mandalam, Khammam District.

4. Nalajala Krishna Arjuna Rao S/o.late Ramaiah, R/o.Thotapalli, Bhadrachalam Mandalam, Khammam District.

5. Nalajala Bhaskara Rao S/o. late Ramaiah, R/o.Thotapalli, Bhadrachalam Mandalam, Khammam District.

6. 6.Nalajala Srinivasa Rao S/o.Late Ramaiah, R/o.Thotapalli, Bhadrachalam Mandalam, Khammam District.

7. Nalajala Prasad S/o.late Ramaiah, R/o.Thotapalli, Bhadrachalam Mandalam, Khammam District.

8. Nalajala Purnachandra Rao S/o. late Ramaiah, R/o.Thotapalli, Bhadrachalam Mandalam, Khammam District.

9. Nalajala Jayamma, minor rep. by guardian and mother N.Subbamma W/o.late Ramaiah, R/o.Thotapalli, Bhadrachalam Mandalam, Khammam District.

..... PETITIONERS

AND

1. Mandal Revenue Officer, Bhadrachalam, Khammam District.

2. Commissioner of Survey and Land Records, Government of A.P.,

Hyderabad.

3. Director of Settlement, Government of A.P., Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Certiorari calling for the records connected with the order of the Commissioner of Settlements dated 6.11.1993, made in Appeal No.L1/517/93, and quash the same by directing the Commissioner of Survey and Land Records, Hyderabad to remand the case to the Director of Settlements, to decide the Appeal on merits.

Counsel for the Petitioner:MR.K.MANIKYALA RAO

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

THE HONOURABLE SRI JUSTICE B.PRAKASH RAO

WRIT PETITION No.6043 OF 2004

ORDER:

Heard both the learned counsel.

The petitioners herein filed this writ petition inter-alia, seeking for a writ of mandamus, challenging the impugned orders, rejecting the appeal as per orders dated 06.11.1993 mainly on the ground of the unacceptable delay on the part of the petitioner.

The facts in brief are that, admittedly the order passed by the Settlement Officer dated 22.01.1979 was served on one of the sons of the petitioner viz. Nalajala Narsaiah under due acknowledgement dated 31.03.1979 and now the petitioners' appeal is totally barred by limitation and that too, filed after a long delay. Except stating that the said son had already been partitioned and living separately, nothing else has been shown as to how the said acknowledgement would not enure to the petitioners. The theory that the said son was partitioned and living separately is not accepted by the Appellate authority and passed well-considered orders, supported by the reasons.

Having regard to the above, I do not find any reasons to accept the plea of the

petitioners at this late hour nor would it entitle the petitioners to invoke the jurisdiction of this Court under Article 226 of the Constitution of India.

The writ petition is accordingly dismissed. No costs.

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15.07.2004

cs/skmr

To

1. The Mandal Revenue Officer, bhadrachalam, Khammam District.
2. The Commissioner of Survey and Land Records, Government of Andhra Pradesh, Hyderabad.
3. The Director of Settlement, Government of Andhra Pradesh, Hyderabad.
4. Two C.Cs. to the Government Pleader for Revenue, High Court Buildings, Hyderabad. (O.U.T.)
5. Two C.D. copies.